

Practitioner's Docket No. NAI1P065/01.307.01

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Herbert V. Joiner

Application No.: 10/029,686

Group No.: 2135

Filed: December 21, 2001

Examiner: Son, Linh

For: COMPREHENSIVE ENTERPRISE NETWORK ANALYZER, SCANNER AND INTRUSION  
DETECTION FRAMEWORK

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed March 1, 2005, for a second time rejecting claims 1-37.

## 1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

05/16/2005 HDEMESS1 00000026 501351 10029686

01 FC:1401 500.00 DA

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

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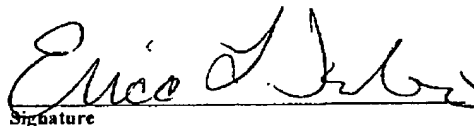
## TRANSMISSION

✓ — facsimile transmitted to the Patent and Trademark Office, (703) 872-9306

Date:

5/13/2005

Signature



Erica L. Farlow

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board—page 1 of 2

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

Other than a small entity	\$500.00
Notice of Appeal fee due	\$500.00

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**4. TOTAL FEE DUE**

The total fee due is:	
Notice of Appeal fee	\$500.00
<b>TOTAL FEE DUE</b>	<b>\$500.00</b>

**5. FEE PAYMENT**

Authorization is hereby made to charge the amount of \$500.00 to Deposit Account No. 50-1351 (Order No. NAI1P065).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAI1P065).

Reg. No.: 41,429  
Tel. No.: 408-971-2573  
Customer No.: 28875

\_\_\_\_\_  
Signature of Practitioner  
Kevin J. Zilka  
Zilka-Kotab, PC  
P.O. Box 72120  
San Jose, CA 95172-1120  
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Notice of Appeal from the Primary Examiner to Board—page 2 of 2

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## FAX COVER SHEET

Date: May 13, 2005	Phone Number	Fax Number
To: Examiner Son		(703) 872-9306
From: Kevin J. Zilka		

Docket No.: NA11P065/01.307.01

**App. No: 10/029,686**

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

## Message:

Please deliver to Examiner Son.

Thank you,

Kevin J. Zilka

MAY 16 2005  
OJPE/JCWS

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☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

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May 13, 2005